

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the First Amended	)	
Accusation and Second Amended	)	
Petition to Revoke Probation Against:	)	
	)	
	)	
LORILYN LOUISE SEID, M.D.	)	Case No. D1-2007-184630
	)	
Physician's and Surgeon's	)	
Certificate No. A 75441	)	
	)	
	)	
Respondent.	)	
_____	)	

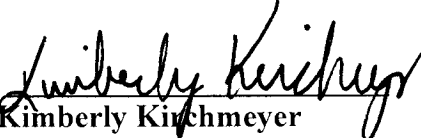
**DECISION**

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on March 11, 2014

IT IS SO ORDERED March 4, 2014.

**MEDICAL BOARD OF CALIFORNIA**

By:   
Kimberly Kirchmeyer  
Executive Director

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 ESTHER H. LA  
Deputy Attorney General [SBN 160706]  
4 455 Golden Gate Avenue, Suite 11000  
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5 Telephone: (415) 703-5636  
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6

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation  
and Second Amended Petition to Revoke  
Probation Against:

13 **LORILYN LOUISE SEID, M.D.**

14 2250 Hayes Street, Suite 500  
San Francisco, CA 94117

15 Physician's and Surgeon's  
16 Certificate No. A75441

17 Respondent.

Case No. D1-2007-184630

Consolidated Case No. 19-2011-219453

18 **STIPULATED SURRENDER OF**  
19 **LICENSE**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
21 proceeding that the following matters are true:

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
23 of California. This action has at all times been maintained solely in the official capacity of the  
24 Executive Director of the Medical Board of California (Board), who is represented in this matter  
by Kamala D. Harris, Attorney General of the State of California, by Esther H. La, Deputy  
Attorney General.

25 2. Lorilyn Louise Seid, M.D. (Respondent) is represented by Albert Garcia, Attorney  
26 at Law, 2000 Powell Street, Suite 1290, Emeryville, CA 94608.  
27  
28

1           3.     Respondent has received, read, discussed with counsel, and understands the First  
2 Amended Accusation and Second Amended Petition to Revoke Probation which is presently on  
3 file and pending in Case No. D1-2007-184630, Consolidated Case No. 19-2011-219453  
4 (Accusation/Petition) a copy of which is attached as Exhibit A.

5           4.     Respondent has carefully read, discussed with counsel and understands the charges  
6 and allegations in the Accusation/Petition. Respondent also has carefully read, discussed with  
7 counsel, and understands the effects of this Stipulated Surrender of License (Stipulation.)

8           5.     Respondent is fully aware of her legal rights in this matter, including the right to a  
9 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
10 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
11 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
12 compel the attendance of witnesses and the production of documents; the right to reconsideration  
13 and court review of an adverse decision; and all other rights accorded by the California  
14 Administrative Procedure Act and other applicable laws.

15           6.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
16 every right set forth above.

17           7.     Respondent does not contest that, at an administrative hearing, Complainant could  
18 establish a prima facie case with respect to the charges and allegations contained in the  
19 Accusation/Petition and that she has thereby subjected her license to disciplinary action and the  
20 revocation of her current probation. Respondent wishes to surrender her physician's and  
21 surgeon's certificate at this time.

22           8.     Pursuant to section 2224(b) of the Business and Professions Code, this Stipulation for  
23 Surrender of License shall be subject to the approval of the Board. Respondent understands and  
24 agrees that the Medical Board's staff and counsel for Complainant may communicate directly  
25 with the Board regarding this Stipulation, without notice to or participation by Respondent or her  
26 counsel. By signing this Stipulation, Respondent understands and agrees that she may not  
27 withdraw her agreement or seek to rescind the Stipulation prior to the time the Board considers  
28 and acts upon it. In the event that this Stipulation is rejected for any reason by the Board, it will

1 be of no force or effect for either party. The Board will not be disqualified from further action in  
2 this matter by virtue of its consideration of this Stipulation.

3 9. Upon acceptance of this Stipulation by the Board, Respondent understands that she  
4 will no longer be permitted to practice as a physician and surgeon in California, and also agrees to  
5 surrender and cause to be delivered to the Board any license and wallet certificate in her  
6 possession before the effective date of the decision.

7 10. The admissions made by Respondent herein are only for the purposes of this  
8 proceeding, or any other proceedings in which the Medical Board or other professional licensing  
9 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

10 11. Respondent fully understands and agrees that if she ever files an application for  
11 relicensure or reinstatement in the State of California, the Board shall treat it as a petition for  
12 reinstatement, and Respondent must comply with all laws, regulations and procedures for  
13 reinstatement of a revoked license in effect at the time the petition is filed.

14 12. Respondent understands that she may not petition for reinstatement as a physician and  
15 surgeon for a period of three (3) years from the effective date of her surrender. Information  
16 gathered in connection with the Accusation/Petition may be considered by the Board in  
17 determining whether or not to grant the petition for reinstatement. For the purposes of the  
18 reinstatement hearing, the allegations contained in the Accusation/Petition shall be deemed to be  
19 admitted by Respondent, and Respondent waives any and all defenses based on a claim of laches  
20 or the statute of limitations.

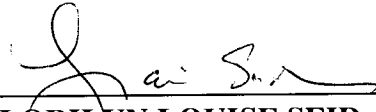
21 13. The parties understand and agree that facsimile or electronic copies of this Stipulated  
22 Surrender of License, including facsimile or electronic signatures thereto, shall have the same  
23 force and effect as the originals.

#### 24 ACCEPTANCE

25 I have carefully read the above Stipulated Surrender of License. I enter into it freely and  
26 voluntarily and with full knowledge of its force and effect, do hereby surrender my Physician and  
27 Surgeon's Certificate Number A75441 to the Medical Board of California, for its formal  
28 acceptance. By signing this Stipulated Surrender of License, I recognize that upon its formal


1 acceptance by the Board, I will lose all rights and privileges to practice as a physician and  
2 surgeon in the State of California and I also will cause to be delivered to the Board any license  
3 and wallet certificate in my possession before the effective date of the decision.

4  
5 DATED: 2/19/14

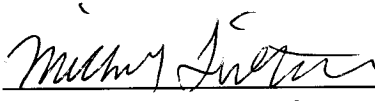
  
6 **LORILYN LOUISE SEID, M.D.**  
7 *Respondent*

8 I have read and fully discussed with Respondent Lorilyn Louise Seid, M.D. the terms and  
9 conditions and other matters contained in the above Stipulated Surrender of License. I approve  
10 its form and content.

11 DATED: 2/19/14

  
12 **ALBERT J. GARCIA**  
13 *Attorney for Respondent*

14 DATED: 2/19/14

  
15 **MICHAEL FIRESTONE**  
16 *Attorney for Respondent*

17 **ENDORSEMENT**

18 The foregoing Stipulated Surrender of License is hereby respectfully submitted for  
19 consideration by the Medical Board of California.

20 Dated: 2/19/14

21 **KAMALA D. HARRIS**  
22 *Attorney General of California*


  
23 **ESTHER H. LA**  
24 *Deputy Attorney General*  
25 *Attorneys for Complainant*

Exhibit A

First Amended Accusation and Second Amended Petition to Revoke Probation  
Case No. D1-2007-184630  
Consolidated Case No. 19-2011-219453

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 ESTHER H. LA  
Deputy Attorney General  
4 State Bar No. 160706  
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*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO January 29, 2014  
BY: [Signature] ANALYST

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation  
and Second Amended Petition to Revoke  
Probation Against:

**LORILYN LOUISE SEID, M.D.**  
2250 Hayes Street, Suite 500  
San Francisco, CA 94117

Physician's and Surgeon's Certificate  
No. A 75441

Respondent.

Case No. D1-2007-184630

Consolidated Case No. 19-2011-219453

**FIRST AMENDED ACCUSATION AND  
SECOND AMENDED PETITION TO  
REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation and Second Amended Petition to Revoke Probation solely in her official capacity as the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs.
2. On or about June 27, 2001, the Medical Board of California (Board)<sup>1</sup> issued Physician's and Surgeon's Certificate No. A 75441 to Lorilyn Louise Seid, M.D. (Respondent). Said Certificate was in effect at all times relevant to the causes of action alleged herein and will expire on September 30, 2014, unless renewed.

<sup>1</sup> The term "Board" means the Medical Board of California; "Division of Medical Quality" shall also be deemed to refer to the Board.

3. In a disciplinary action entitled “In the Matter of Accusation Against Lorilyn Seid, M.D.,” Case No. 03-2007-184630, the Board issued a decision (Decision), effective July 29, 2011, in which Respondent’s Physician’s and Surgeon’s Certificate was revoked. However, the revocation was stayed and Respondent’s Physician’s and Surgeon’s Certificate was placed on probation for a period of five (5) years with certain terms and conditions. A copy of the Board’s Decision is attached as Exhibit 1 and is incorporated by reference.

## JURISDICTION

4. This First Amended Accusation and Second Amended Petition to Revoke Probation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2004 of the Code states in relevant part:

“The board shall have the responsibility for the following:

“(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

“(b) The administration and hearing of disciplinary actions.

“(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

“(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.”

6. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

7. Section 2234 of the Code provides in relevant part that the Board “shall take action against any licensee who is charged with unprofessional conduct.”

8. Section 2239 of the Code states, in pertinent part:

A(a) The use . . . of alcoholic beverages, to the extent, or in such a manner as to be



1 dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that  
2 such use impairs the ability of the licensee to practice medicine safely . . . constitutes  
3 unprofessional conduct.”

4 9. The Board’s Decision, effective July 29, 2011, contains the following provision  
5 [Condition 17]: “Failure to fully comply with any term or condition of probation is a violation of  
6 probation. If respondent violates probation in any respect, the Board, after giving respondent  
7 notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order  
8 that was stayed. If an Accusation, Petition to Revoke Probation, or an Interim Suspension Order  
9 is filed against respondent during probation, the Board shall have continuing jurisdiction until the  
10 matter is final, and the period of probation shall be extended until the matter is final.”

11 CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct: Use of Alcohol in a Dangerous Manner)

13 10. Respondent is subject to disciplinary action for unprofessional conduct under Code  
14 section 2234 and/or 2239 [excessive use of alcohol] to an extent and in a manner that is  
15 dangerous to herself and/or another person and/or the public and/or to an extent that her use of  
16 alcohol impairs her ability to practice medicine safely. The circumstances are as follows:

17 A. On or about November 10, 2011, Respondent was arrested for driving under the  
18 influence of alcohol after she was involved in a traffic accident where she hit three parked cars.  
19 Respondent admitted to the arresting officer that she had consumed two glasses of wine before  
20 the accident. A forensic toxicology report showed that Respondent’s blood alcohol level was  
21 0.17%.

22 B. On or about December 17, 2012, Respondent was convicted and sentenced in the case  
23 of *People of the State of California v. Lorilyn Louise Seid*, Superior Court of California, County  
24 of San Francisco, Case No. 02464376, of violating Vehicle Code section 23152(A) [driving under  
25 the influence] and Vehicle Code section 23152(B) [driving with blood alcohol content in excess  
26 of 0.08 percent].

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1 FIRST CAUSE TO REVOKE PROBATION

2 (Failure to Abstain From Use of Alcohol)

3 11. The allegations in Paragraph 10, subparagraphs A and B, are incorporated herein by  
4 reference as if fully set forth.

5 12. At all times after the effective date of Respondent's probation, Condition 2 of the  
6 Board's Decision stated:

7 "Respondent shall abstain completely from the use of products or beverages containing  
8 alcohol."

9 13. On or about August 24, 2011, Respondent discussed the terms of her probation with  
10 her probation monitor. As part of that discussion, Respondent was advised that she was required  
11 to submit to random biological fluid testing. Respondent was also advised that she was required  
12 to abstain completely from the use of products or beverages containing alcohol.

13 14. In addition to Respondent's admission that she drank alcohol on or about November  
14 10, 2011, Respondent has also tested positive for EtG/EtS (Ethyl glucuronide/Ethyl sulfate) on  
15 multiple occasions when random biologic fluid testing was conducted, including on the following  
16 dates: October 25, 2011; November 21, 2011; December 12, 2011, December 19, 2011,  
17 December 27, 2011, February 2, 2012, February 28, 2012, March 2, 2012, March 8, 2012, April  
18 2, 2012, April 3, 2012, April 13, 2012, May 2, 2012, May 16, 2012, June 21, 2012, June 25,  
19 2012, and June 27, 2012. A positive test for EtG/EtS is indicative of the use of alcohol.

20 15. Respondent's use of alcohol constitutes a violation of probation under Conditions 2  
21 and 17 of the Board's decision. Therefore, cause exists to impose the disciplinary order of  
22 revocation that was stayed.

23 SECOND CAUSE TO REVOKE PROBATION

24 (Failure to Obey All Laws)

25 16. The allegations in Paragraph 10, subparagraphs A and B, are incorporated herein by  
26 reference as if fully set forth.

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17. At all times after the effective date of Respondent's probation, Condition 10 of the Board's Decision stated in pertinent part as follows:

“Respondent shall obey all federal, state and local laws . . . .”

18. Respondent's driving with a blood alcohol level of 0.17% is a violation of California Vehicle Code section 23152(A) [driving under the influence] and Vehicle Code section 23152(B) [driving with blood alcohol content in excess of 0.08 percent], and constitutes a violation of probation under Conditions 10 and 17 of the Board's Decision. Therefore, cause exists to impose the disciplinary order of revocation that was stayed.

### THIRD CAUSE TO REVOKE PROBATION

(Failure to Submit Quarterly Declarations)

19. At all times after the effective date of Respondent's probation, Condition 11 of the Board's Decision stated:

“Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later than ten calendar days after the end of the preceding quarter.”

20. Respondent's probation is subject to revocation for failure to comply with Condition 11 of her probation. The facts and circumstances regarding this violation are as follows:

A. During Respondent's meeting with her probation monitor on August 24, 2011, Respondent was provided with a copy of a quarterly declaration form and was advised of the due dates for submitting the declarations.

B. To date, Respondent has not submitted any quarterly declarations.

21. Respondent's failure to submit quarterly declarations constitutes a violation of probation under Conditions 11 and 17 of the Board's Decision. Therefore, cause exists to impose the disciplinary order of revocation that was stayed.

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1 FOURTH CAUSE TO REVOKE PROBATION

2 (Failure to Pay Probation Monitoring Costs)

3 22. At all times after the effective date of Respondent's probation, Condition 19 of the  
4 Board's Decision stated:

5 "Respondent shall pay the costs associated with probation monitoring each and every year  
6 of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs  
7 shall be payable to the Medical Board of California and delivered to the Board or its designee no  
8 later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the  
9 due date is a violation of probation."

10 23. Respondent has failed to pay her 2011 and 2012 probation monitoring costs in the  
11 amounts of \$1,565.00 and \$4,098.00, respectively.

12 24. Respondent's failure to pay her probation monitoring costs constitutes a violation of  
13 probation under Conditions 19 and 17 of the Board's decision. Therefore, cause exists to impose  
14 the disciplinary order of revocation that was stayed.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Medical Board of California issue a decision:

18 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 75441 issued to  
19 Respondent Lorilyn Louise Seid, M.D.;

20 2. Revoking the probation that was granted by the Medical Board of California in Case  
21 No. 03-2007-184630 and imposing the disciplinary order that was stayed, a revocation of  
22 Respondent's license;

23 3. Revoking, suspending or denying approval of Lorilyn Louise Seid, M.D.'s authority  
24 to supervise physician assistants, pursuant to section 3527 of the Code;

25 4. Ordering Lorilyn Louise Seid, M.D., if placed on probation, to pay the costs of  
26 probation monitoring if placed on probation; and

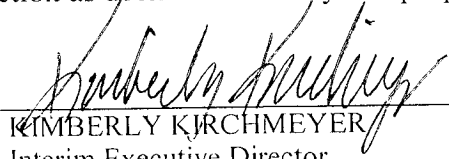
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5. Taking such other and further action as deemed necessary and proper.

DATED: January 29, 2014



KIMBERLY KIRCHMEYER  
Interim Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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40857404.docx

# **Exhibit 1**

**Decision and Order**

**Medical Board of California Case No. 03-2007-184630**

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )  
)  
)

**LORILYN SEID, M.D.** )  
Physician's and Surgeon's )  
Certificate No. A 75441 )  
)

Respondent )  
\_\_\_\_\_ )

File No. 03-2007-184630

**DECISION**

The attached **Stipulated Settlement and Disciplinary Order** is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on **July 29, 2011**.

IT IS SO ORDERED **July 1, 2011**.

MEDICAL BOARD OF CALIFORNIA

By: \_\_\_\_\_

**Hedy Chang**  
Chair, Panel B

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 BRENDA P. REYES  
Deputy Attorney General  
4 State Bar No. 129718  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5541  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **LORILYN SEID, M.D.**  
2250 Hayes Street, Suite 500  
San Francisco, CA 94117

14 **Physician's and Surgeon's Certificate**  
15 **No. A 75441**

16 Respondent.

Case No. 03-2007-184630

OAH No. 2011010736

17 **STIPULATED SETTLEMENT AND**  
18 **DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of  
22 California. She brought this action solely in her official capacity and is represented in this matter  
23 by Kamala D. Harris, Attorney General of the State of California, by Brenda P. Reyes, Deputy  
24 Attorney General.

25 2. Respondent Lorilyn Seid, M.D. (Respondent) is represented in this proceeding by  
26 attorney Ivan Weinberg, whose address is Weinberg Hoffman, LLP, 900 Larkspur Landing  
27 Circle, Suite 155, Larkspur, CA 94939.

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1           3.     On or about June 27, 2001, the Medical Board of California issued Physician's and  
2 Surgeon's Certificate No. A 75441 to Respondent. The Physician's and Surgeon's Certificate was  
3 in full force and effect at all times relevant to the charges brought in Accusation No. 03-2007-  
4 184630 and will expire on September 30, 2012, unless renewed. Pursuant to Government Code  
5 section 11529, Respondent's license was suspended on May 4, 2009.

6                                   **JURISDICTION**

7           4.     Accusation No. 03-2007-184630 was filed before the Medical Board of California  
8 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
9 Accusation and all other statutorily required documents were properly served on Respondent on  
10 December 29, 2009. Respondent timely filed her Notice of Defense contesting the Accusation.  
11 A copy of Accusation No. 03-2007-184630 is attached as Exhibit A and incorporated herein by  
12 reference.

13                                   **ADVISEMENT AND WAIVERS**

14           5.     Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in Accusation No. 03-2007-184630. Respondent has also carefully read,  
16 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
17 Disciplinary Order.

18           6.     Respondent is fully aware of her legal rights in this matter, including the right to a  
19 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
20 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
21 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
22 compel the attendance of witnesses and the production of documents; the right to reconsideration  
23 and court review of an adverse decision; and all other rights accorded by the California  
24 Administrative Procedure Act and other applicable laws.

25           7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
26 every right set forth above.

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1           4.    PSYCHIATRIC EVALUATION   Within 30 calendar days of the effective date of  
2 this Decision, and on whatever periodic basis thereafter may be required by the Board or its  
3 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological  
4 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall  
5 consider any information provided by the Board or its designee and any other information the  
6 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its  
7 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not  
8 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all  
9 psychiatric evaluations and psychological testing.

10           Respondent shall comply with all restrictions or conditions recommended by the evaluating  
11 psychiatrist within 15 calendar days after being notified by the Board or its designee. Failure to  
12 undergo and complete a psychiatric evaluation and psychological testing, or comply with the  
13 required additional conditions or restrictions, is a violation of probation.

14           Respondent shall not engage in the practice of medicine until notified by the Board or its  
15 designee that Respondent is mentally fit to practice medicine safely. The period of time that  
16 Respondent is not practicing medicine shall not be counted toward completion of the term of  
17 probation.

18           5.    PSYCHOTHERAPY   Respondent shall submit to the Board or its designee for prior  
19 approval the name and qualifications of a board certified psychiatrist or a licensed psychologist  
20 who has a doctoral degree in psychology and at least five years of postgraduate experience in the  
21 diagnosis and treatment of emotional and mental disorders. Respondent shall undergo and  
22 continue treatment as recommended by the evaluating psychiatrist, as set forth in Condition No.  
23 4, above, including any modifications to the frequency of psychotherapy, until the Board or its  
24 designee deems that no further psychotherapy is necessary.

25           The psychotherapist shall consider any information provided by the Board or its designee  
26 and any other information the psychotherapist deems relevant and shall furnish a written  
27 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
28 psychotherapist any information and documents that the psychotherapist may deem pertinent.

1 Respondent shall have the treating psychotherapist submit quarterly status reports to the  
2 Board or its designee. The Board or its designee may require respondent to undergo psychiatric  
3 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
4 probation, respondent is found to be mentally unfit to resume the practice of medicine without  
5 restrictions, the Board shall retain continuing jurisdiction over respondent's license, and the  
6 period of probation shall be extended until the Board determines that respondent is mentally fit to  
7 resume the practice of medicine without restrictions. Respondent shall pay the cost of all  
8 psychotherapy and psychiatric evaluations. Failure to undergo and continue psychotherapy  
9 treatment, or comply with any required modification in the frequency of psychotherapy, is a  
10 violation of probation.

11 6. MONITORING - PRACTICE/BILLING Within 30 calendar days of the effective  
12 date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a  
13 practice monitor, the name and qualifications of one or more licensed physicians and surgeons  
14 whose licenses are valid and in good standing, and who are preferably American Board of  
15 Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or  
16 personal relationship with Respondent, or other relationship that could reasonably be expected to  
17 compromise the ability of the monitor to render fair and unbiased reports to the Board, including  
18 but not limited to, any form of bartering, shall be in Respondent's field of practice, and must  
19 agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

20 The Board or its designee shall provide the approved monitor with copies of the Decision  
21 and Accusation, and a proposed monitoring plan. Within 15 calendar days of receipt of the  
22 Decision, Accusation, and proposed monitoring plan, the monitor shall submit a signed statement  
23 that the monitor has read the Decision and Accusation, fully understands the role of a monitor,  
24 and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the  
25 proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed  
26 statement.

27 Within 60 calendar days of the effective date of this Decision, and continuing throughout  
28 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall

1 make all records available for immediate inspection and copying on the premises by the monitor  
2 at all times during business hours and shall retain the records for the entire term of probation.

3 The monitor shall submit a quarterly written report to the Board or its designee which  
4 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
5 are within the standards of practice of medicine and whether Respondent is practicing medicine  
6 safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the  
7 quarterly written reports to the Board or its designee within 10 calendar days after the end of the  
8 preceding quarter.

9 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
10 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
11 name and qualifications of a replacement monitor who will be assuming that responsibility within  
12 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60 days  
13 of the resignation or unavailability of the monitor, Respondent shall be suspended from the  
14 practice of medicine until a replacement monitor is approved and prepared to assume immediate  
15 monitoring responsibility. Respondent shall cease the practice of medicine within 3 calendar  
16 days after being so notified by the Board or designee.

17 In lieu of a monitor, Respondent may participate in a professional enhancement program  
18 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the  
19 University of California, San Diego School of Medicine, that includes, at minimum, quarterly  
20 chart review, semi-annual practice assessment, and semi-annual review of professional growth  
21 and education. Respondent shall participate in the professional enhancement program at  
22 Respondent's expense during the term of probation.

23 Failure to maintain all records, or to make all appropriate records available for immediate  
24 inspection and copying on the premises, or to comply with this condition as outlined above is a  
25 violation of probation.

26 7. SOLO PRACTICE Respondent is prohibited from engaging in the solo practice of  
27 medicine.

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1           8.    NOTIFICATION Prior to engaging in the practice of medicine, the respondent shall  
2 provide a true copy of the Decision and Accusation to the Chief of Staff or the Chief Executive  
3 Officer at every hospital where privileges or membership are extended to respondent, at any other  
4 facility where respondent engages in the practice of medicine, including all physician and locum  
5 tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance  
6 carrier which extends malpractice insurance coverage to respondent. Respondent shall submit  
7 proof of compliance to the Board or its designee within 15 calendar days.

8           This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

9           9.    SUPERVISION OF PHYSICIAN ASSISTANTS During probation, respondent is  
10 prohibited from supervising physician assistants.

11          10.   OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules  
12 governing the practice of medicine in California, and remain in full compliance with any court  
13 ordered criminal probation, payments and other orders.

14          11.   QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations  
15 under penalty of perjury on forms provided by the Board, stating whether there has been  
16 compliance with all the conditions of probation. Respondent shall submit quarterly declarations  
17 not later than 10 calendar days after the end of the preceding quarter.

18          12.   PROBATION UNIT COMPLIANCE Respondent shall comply with the Board's  
19 probation unit. Respondent shall, at all times, keep the Board informed of respondent's business  
20 and residence addresses. Changes of such addresses shall be immediately communicated in  
21 writing to the Board or its designee. Under no circumstances shall a post office box serve as an  
22 address of record, except as allowed by Business and Professions Code section 2021(b).

23          Respondent shall not engage in the practice of medicine in respondent's place of residence.  
24          Respondent shall maintain a current and renewed California physician's and surgeon's license.

25          Respondent shall immediately inform the Board, or its designee, in writing, of travel to any  
26 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30  
27 calendar days.

1           13. INTERVIEW WITH THE BOARD, OR ITS DESIGNEE Respondent shall be  
2 available in person for interviews either at respondent's place of business or at the probation unit  
3 office, with the Board or its designee upon request at various intervals and either with or without  
4 prior notice throughout the term of probation.

5           14. RESIDING OR PRACTICING OUT-OF-STATE In the event respondent should  
6 leave the State of California to reside or to practice, respondent shall notify the Board or its  
7 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is  
8 defined as any period of time exceeding 30 calendar days in which respondent is not engaging in  
9 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

10           All time spent in an intensive training program outside the State of California which has  
11 been approved by the Board or its designee shall be considered as time spent in the practice of  
12 medicine within the State. A Board-ordered suspension of practice shall not be considered as a  
13 period of non-practice. Periods of temporary or permanent residence or practice outside  
14 California will not apply to the reduction of the probationary term. Periods of temporary or  
15 permanent residence or practice outside California will relieve respondent of the responsibility to  
16 comply with the probationary terms and conditions with the exception of this condition and the  
17 following terms and conditions of probation: Obey All Laws and Probation Unit Compliance.

18           Respondent's license shall be automatically cancelled if respondent's periods of temporary  
19 or permanent residence or practice outside California total two years. However, respondent's  
20 license shall not be cancelled as long as respondent is residing and practicing medicine in another  
21 state of the United States and is on active probation with the medical licensing authority of that  
22 state, in which case the two year period shall begin on the date probation is completed or  
23 terminated in that state.

24           15. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

25           In the event respondent resides in the State of California and for any reason respondent  
26 stops practicing medicine in California, respondent shall notify the Board or its designee in  
27 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any  
28 period of non-practice within California, as defined in this condition, will not apply to the



1 reduction of the probationary term and does not relieve respondent of the responsibility to comply  
2 with the terms and conditions of probation. Non-practice is defined as any period of time  
3 exceeding 30 calendar days in which respondent is not engaging in any activities defined in  
4 sections 2051 and 2052 of the Business and Professions Code.

5 All time spent in an intensive training program which has been approved by the Board or its  
6 designee shall be considered time spent in the practice of medicine. For purposes of this  
7 condition, non-practice due to a Board-ordered suspension or in compliance with any other  
8 condition of probation, shall not be considered a period of non-practice.

9 Respondent's license shall be automatically cancelled if respondent resides in California  
10 and for a total of two years, fails to engage in California in any of the activities described in  
11 Business and Professions Code sections 2051 and 2052.

12 16. COMPLETION OF PROBATION Respondent shall comply with all financial  
13 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
14 completion of probation. Upon successful completion of probation, respondent's certificate shall  
15 be fully restored.

16 17. VIOLATION OF PROBATION Failure to fully comply with any term or condition  
17 of probation is a violation of probation. If respondent violates probation in any respect, the  
18 Board, after giving respondent notice and the opportunity to be heard, may revoke probation and  
19 carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation,  
20 or an Interim Suspension Order is filed against respondent during probation, the Board shall have  
21 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
22 the matter is final.

23 18. LICENSE SURRENDER Following the effective date of this Decision, if  
24 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the  
25 terms and conditions of probation, respondent may request the voluntary surrender of  
26 respondent's license. The Board reserves the right to evaluate respondent's request and to  
27 exercise its discretion whether or not to grant the request, or to take any other action deemed  
28 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,

1 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the  
2 Board or its designee and respondent shall no longer practice medicine. Respondent will no  
3 longer be subject to the terms and conditions of probation and the surrender of respondent's  
4 license shall be deemed disciplinary action. If respondent re-applies for a medical license, the  
5 application shall be treated as a petition for reinstatement of a revoked certificate.

6 19. PROBATION MONITORING COSTS Respondent shall pay the costs associated  
7 with probation monitoring each and every year of probation, as designated by the Board, which  
8 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
9 California and delivered to the Board or its designee no later than January 31 of each calendar  
10 year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

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ACCEPTANCE

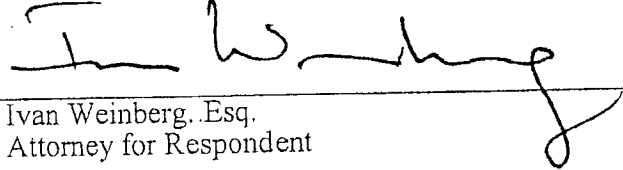
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ivan Weinberg. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 5/18/11

  
LORILYN SEID, M.D.  
Respondent

I have read and fully discussed with Respondent Lorilyn Seid, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5/18/11


  
Ivan Weinberg, Esq.  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: May 23, 2011

KAMALA D. HARRIS  
Attorney General of California  
JOSE R. GUERRERO  
Supervising Deputy Attorney General

  
BRENDA P. REYES  
Deputy Attorney General  
*Attorneys for Complainant*

SF2008402745  
Stipulation.rtf

**Exhibit A**

**Accusation No. 03-2007-184630**

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO December 29 2009  
BY [Signature] ANALYST

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 BRENDA P. REYES  
Deputy Attorney General  
4 State Bar No. 129718  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5541  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **LORILYN SEID, M.D.**  
14 **2250 Hayes Street, Suite 500**  
**San Francisco, CA 94117**

15 **Physician's and Surgeon's Certificate**  
**No. A 75441**

16 Respondent.

Case No. 03-2007-184630

OAH No. 2009020256

17 **A C C U S A T I O N**

18 Complainant alleges:

19 **PARTIES**

20 1. Barabara Johnston (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs.

23 2. On or about June 27, 2001, the Medical Board of California issued Physician's and  
24 Surgeon's Certificate Number A75441 to Lorilyn Seid, M.D. (respondent). The Physician's and  
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on September 30, 2010, unless renewed. Pursuant to Government Code  
27 section 11529, respondent's license was suspended on March 4, 2009.

28 ///

## JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 of the Code states, in pertinent part, that:

"The board shall have the responsibility for the following:

"(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

"(b) The administration and hearing of disciplinary actions.

"(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

"(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

"(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board."

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

6. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

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1           10.     The psychiatric examination was conducted in September and October, 2008, by  
2     Lynn Bertram, M.D., a Board Certified psychiatrist specializing in Addiction Psychiatry. Dr.  
3     Bertram reviewed the Board's investigative materials, including medical records and prescribing  
4     records for respondent, and she interviewed respondent. Dr. Bertram determined that respondent  
5     was prescribed a variety of different sleep medications in large quantities by several different  
6     physicians. Respondent did not appear concerned about the large quantities of sleeping  
7     medications she was taking, nor did she feel she had an addiction problem.

8           11.     Dr. Bertram's DSM IV, Axis I diagnosis for respondent was Hypnotic  
9     Dependence, Alcohol Abuse, and Primary Insomnia. Dr. Bertram found that respondent has  
10    severe and long term sleeping problems that have not been adequately treated and as a result  
11    respondent has developed a dependence on sleeping pills and alcohol to help control her sleep  
12    problem. Dr. Bertram concluded that respondent's addiction to sleeping medications impairs her  
13    ability to practice medicine safely.

14          12.     On March 4, 2009, a hearing was held before an Administrative Law Judge (ALJ)  
15    on the Board's petition for an interim order of suspension pursuant to Government Code section  
16    11529, at which time psychiatric evidence was presented by the Board. The ALJ granted the  
17    petition and issued an Interim Order of Suspension.

18          13.     Respondent's license is subject to action pursuant to section 822 of the Code in  
19    that, due to a physical and/or mental condition, respondent is unable to practice medicine with  
20    safety to the public.

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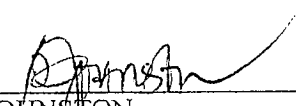


PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A75441, issued to Lorilyn Seid, M.D.
2. Revoking, suspending or denying approval of Lorilyn Seid, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Lorilyn Seid, M.D., if placed on probation, to pay the Medical Board of California the costs of probation monitoring; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: December 29, 2009

  
BARBARA JOHNSTON  
Executive Director  
Medical Board of California  
State of California  
*Complainant*

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